

Mr. Jose Alvarez
Phillips & Paolicelli, LLP
380 Madison Ave, 24th Floor
New York, NY 10017

Re: AES Puerto Rico, LP
FOIA Request No. EPA-R2-2013-005858

Dear Mr. Alvarez:

This is in response to your May 2, 2013 request under the Freedom of Information Act (FOIA), sent via electronic mail, for documents relating to AES Puerto Rico, L.P. (AES). The U.S. Environmental Protection Agency (EPA), Region 2, has concluded its search for documents encompassed by your FOIA request. EPA has interpreted your request to be seeking reports, letters, chemical analyses, memoranda, photos, environmental monitoring assessments and environmental analyses by or on behalf of EPA Region 2 in connection with the land placement of Agremax by AES. If you believe that EPA has mischaracterized or misinterpreted your request or if you have any questions regarding this matter, please contact Gary H. Nurkin, Assistant Regional Counsel, at 212-637-3195.

Enclosed please find a compact disc with the requested documents, except that we are withholding certain internal legal memoranda and other documents because they fall under the deliberative process privilege and/or the attorney work-product privilege encompassed by FOIA Exemption 5, 5 U.S.C. §552(b)(5), and/or the documents are covered by FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A). These memoranda and other documents are approximately 520 pages in total and are identified on the attached list.

You may appeal this partial denial to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, D.C. 20460 (U.S. Postal Service Only), e-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you submit your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, D.C. 20004. Your appeal must be in writing and must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should clearly identify the determination being appealed, including the assigned FOIA request number shown above. For quickest possible handling, the appeal letter

and its envelope should be marked "Freedom of Information Act Appeal."

Sincerely,

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosures